

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, February 8, 2005

3:30 P.M.

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

How the Board and Commission Interview and Appointment Process Works: The Council will spend a few minutes interviewing each board and commission nominee. At the conclusion of the interviews, the Council will make the appointments. Once the appointments have been made, the Council will take a short recess and reconvene at 5:00 p.m. to consider the remainder of the items on tonight's agenda.

Interview of citizen nominees and appointments to City boards and commissions.

Citizen Bond Review Commission. *Nominees:* Judith Frost, Paul Hughes, W. Gregory Nelson, Don Raiff
Council action to fill three vacancies.

Housing Board. *Nominees:* Robert (Bob) Herb, George Leonard, George Sutherland, Sabrina Walters
Council action to fill two vacancies.

Human Relations Commission. *Nominees:* Jacob Bouie Jr., Joel Feldman, John Tutelman
Council action to fill one vacancy.

Human Services Commission. *Nominees:* Jeffrey Battle, Clemens Czapinski
Council action to fill one vacancy.

Scottsdale Pride Committee. *Nominees:* Judy Snyder, Catherine Zebarth
Council action to fill one vacancy.

Adjourn

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS

REGULAR MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[January 11, 2005](#)

CONSENT AGENDA

ITEMS 1 – 17

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a comment card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. [Cook 'N Jack's \(Restaurant\) Liquor License](#)

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location that has changed ownership.

Location: 7042 E. Indian School Road

Reference: 95-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. [94th Street Rezoning](#)

Requests:

1. Rezone from Single Family Residential Environmentally Sensitive Lands District (R1-35 ESL) to Single Family Residential Environmentally Sensitive Lands District (R1-10 ESL) with amended development standards on a 25 +/- acre parcel located at 18001 N. 94th Street.
2. Adopt Ordinance No. 3603 affirming the above rezoning.

Location: 18001 N. 94th Street

Reference: 14-ZN-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

3. Pima Acres Abandonment

Requests:

1. Abandon 25 feet of roadway easement on lots 2, 4, 8, and 9 of Pima Acres, along Sierra Pinta Drive.
2. Reserve a 25-foot public utility easement.
3. Adopt Resolution No. 6617 vacating and abandoning a public right-of-way.

Location: 9245, 9201, 9001 and 8867 E. Sierra Pinta Drive

Reference: 21-AB-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

4. Loloma Abandonment

Requests:

1. Abandon a 2-foot and a 3-foot strip of roadway easements along the north side of the Loloma Redevelopment site alley east and parcel 130-12-135A.
2. Adopt Resolution No. 6614 vacating and abandoning a public right-of-way.

Location: Goldwater Boulevard and Main Street

Reference: 22-AB-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

5. DC Ranch Final Ordinance Adoption

Request: Consider adopting Ordinance No. 3605 (final ordinance adoption) affirming zoning classifications as approved in case 54-ZN-1989#2. The original zoning is as follows:

- DC Ranch Parcels 5.9a, 5.9b, 5.9c and 5.12 - Resort/Townhouse Residential District, Planned Community District (R-4R PCD)
- DC Ranch Parcels 6.1 - Single Family Residential District, Planned Community District (R1-43 PCD and R1-7 PCD)
- DC Ranch Parcels 6.7, 6.8 and 6.9 - Single Family Residential District, Planned Community District (R1-43 PCD and R1-10 PCD)
- DC Ranch Parcels - Conservation Open Space, Planned Community District (COS PCD)

References: 54-ZN-1989#2, #4, #5 and 54-ZN-1989#2G

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. Advanced Health Care Conditional Use Permit

Request: Consider a conditional use permit for a medical rehabilitation facility (analogous to a hospital) on a 2.3 +/- acre parcel located at 9846 N. 95th Street with Commercial Office (C-O) District zoning.

Location: 9846 N. 95th Street

Reference: 26-UP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. **Grant Application for Lost Dog Wash Access Area in the McDowell Sonoran Preserve**

Request: Adopt Resolution No. 6606, authorizing staff to submit a grant application for approximately \$180,000 in Arizona State Parks Trails Heritage Funds to assist in funding for the development of the Lost Dog Wash Access Area in the McDowell Sonoran Preserve, and to accept the grant funding should the application be successful.

Related Policies, References:

- This action directly supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale, and sub-goals under Goal B: Create access into the Preserve, and Create learning opportunities in the Preserve. This action also directly supports City Council Broad Goal E: Fiscal and Resource Management.
- This project is consistent with the McDowell Sonoran Preserve Access Areas Report approved by the McDowell Sonoran Preserve Commission and accepted by the City Council in 1994 and updated in 1999, and the Conceptual Preserve Trails Plan approved by the McDowell Sonoran Preserve Commission and accepted by the City Council in 1998. This project is also consistent with the goals and objectives of the Trails Master Plan approved by the City Council in February 2004.
- The McDowell Sonoran Preserve Access Area Design and Site Standards Manual prepared by Floor and Associates under Professional Services Contract No. 2002-094-COS, will be the basis for preparation of the construction plans for access area amenities, including the Lost Dog Wash Access Area.

Staff Contact(s): Robert Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov; Scott Hamilton, Trails Planner, 480-312-7722, shamilton@scottsdaleaz.gov

8. **Construction Bid Award for the McDowell Mountain Ranch Park & Aquatic Center**

Requests:

1. Authorize Construction Bid Award No. 05PB036 to Ry-Tan Construction, Inc., the lowest responsive bidder, at their lump sum bid of \$12,199,000.
2. Authorize Capital Improvement Project budget transfer of \$2.5 million from project P0302, Aging Park Facility Renovations, to project P0209 McDowell Mountain Ranch Park & Aquatic Center.

Related Policies, References:

- Contract Modification to Architectural Services Contract No. 2001-114-COS (6/2/03)
- Municipal Use Master Site Plan Approval, Case 20-UP-1994 #2 (3/17/03)
- Planning and Zoning Commission Recommendation (11/13/02)
- Parks and Recreation Commission Recommendation (11/6/02)
- Architectural Services Contract No. 2001-114-COS (8/20/01)
- IGA #950009 with the Scottsdale School District (6/6/95)
- Municipal Use Master Site Plan Case No. 20-UP-1994

Staff Contact: Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

9. **Authorize the Acquisition of Sewer and Water Easements**

Adopt Resolution No. 6613 authorizing the acquisition of 1654 square feet of sewer and water easement at 25635 North Ranch Gate Road and 1651 square feet of sewer and water easement at 25636 North Ranch Gate Road in the amount of \$4,300 for each easement, for a total of \$8,600. The easements will be used for the construction of a waterline connection between the existing North Ranch Gate Road waterline and a future developer installed waterline along the Yearling Road alignment to the north.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Stanley Seigal, Asset Management Coordinator, 480-312-7042, sseigal@scottsdaleaz.gov

10. **Modification of Assessments for the Bell II Improvement District**

ADOPT Resolution No. 6608 which will modify improvement district assessment numbers 000.005, 009 and 010 for water lines, sewer lines and street improvements within the Bell II Improvement District, Series No. 106.

Related Policies, References:

- Resolution No. 5751, declaring the intention to form the improvement district, adopted by Council on February 4, 2001.
- Resolution No. 5832, ordering work to begin within the district, adopted by Council on June 5, 2001.
- Resolution No. 5961, approving the Assessment Diagram and Ordering the Sale of not to exceed \$7.9 Million in Improvement District (ID) Bonds, adopted by Council on November 5, 2001.
- Resolution No. 6262 approving final assessments, adopted by City Council on April 1, 2003.

Staff Contact: Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

11. **Engineering Services Contract for the Design of Water Transmission Improvements in the Downtown Area**

Request: Authorize engineering services contract #2005-012-COS with CSA Engineering, Inc., in the amount of \$214,214, for the design of water transmission improvements to provide adequate water flow and pressure to meet requirements of projected development in the downtown area.

Staff Contact: Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

12. **Extension of Three Contracts for Traffic-engineering Services**

Request: Authorize the third annual extension of the following five-year contracts: #2001-155-COS with Parsons Brinckerhoff; #2001-156-COS with United Civil Group; and #2001-158-COS with Kirkham Michael. These firms provide traffic-engineering services to the City under the Traffic Impact and Mitigation Analysis (TIMA) Program. The contracts were awarded January 2002 for a one-year term with four annual extensions, and thus are set to expire in January 2007. City Council authorized the second annual contract extensions in February 2004. The three firms have agreed to continue providing the contracted services for another year.

Related Policies, References: Resolution 5953 authorized original contracts; City Procurement Code.

Staff Contact: Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, February 8, 2005

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13. Intergovernmental Agreements for Design Concept Report Grants for Airport Capital Projects

Request: Adopt Resolution No. 6609, authorizing Intergovernmental Agreement (IGA) Nos. 2005-009-COS and 2005-010-COS with Arizona Department of Transportation (ADOT) – Aeronautics for design concept reports for a security lighting upgrade and re-design of the airport entrance road and parking lot. The total project cost for the designs is \$185,000. Two ADOT – Aeronautics grants (totaling approximately \$166,500) will fund 90% of the total cost. The 10% grant match of \$18,500 will be funded by Aviation Enterprise funds. The grants will be used for the Airport Runway Safety Area Improvements project approved in the FY 2005 Airport Capital Improvement Program.

Staff Contact(s): Mary O'Connor, General Manager-Transportation, 480-312-2334, moconnor@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

14. Arizona Public Safety Personnel Retirement System – Fire Department Participation Joinder Agreement and Local Boards

1. Adopt Resolution No. 6542 to:
 - Authorize the steps to be taken to become a participating employer in the Arizona Public Safety Personnel Retirement System (PSPRS) on behalf of the full-time, paid municipal firefighters regularly assigned to hazardous duty of the City of Scottsdale as set forth in Title 38, Chapter 5, Article 4, Arizona Revised Statutes.
 - Accept the preliminary actuarial survey, which determined the City's estimated cost to participate in the PSPRS.
 - Authorize the City Clerk to file a certified copy of this resolution with the Fund Manager of the PSPRS.
2. Adopt Resolution No. 6543 to authorize the Mayor to sign a Joinder Agreement with the Arizona PSPRS Fund Manager.
3. Adopt Ordinance No. 3589 to revise City Code provisions to establish a local PSPRS board for the City's municipal fire department consistent with provisions for the local PSPRS board for the City's municipal police department.

Related Policies, References:

- September 7, 2004 Council actions to authorize fire department staffing and the phased hiring of selected personnel to begin in FY 2004/05.
- Title 38, Chapter 5, Article 4, Arizona Revised Statutes – Public Safety Personnel Retirement System.

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Joyce Lira, Human Resources Director, 480-312-2690, jlira@scottsdaleaz.gov; Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov

15. [Intergovernmental Agreement with the Scottsdale Unified School District No. 48](#)

Request: Adopt Resolution No. 6615 which authorizes IGA #2005-013-COS with the Scottsdale Unified School District (SUSD) No. 48 allowing the City to install lighting systems and schedule certain ballfields during non-school hours at Supai Middle School.

Related Policies, References:

- Resolution No. 6351 and IGA #2003-120-COS, approved August 25, 2003 between the City of Scottsdale and the SUSD No.48 which allowed City staff and contractors access to certain District fields and scheduling of those fields during non-school hours.
- Resolution No. 5525 and Intergovernmental Agreement #2000-043-COS, approved April 30, 2001 which authorized shared facility uses between the City of Scottsdale and the SUSD.

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Judy Weiss, Parks and Recreation Director, 480-312-2416, jweiss@scottsdaleaz.gov

16. [Calendar Year 2005 Audit Plan for the Office of the City Auditor](#)

Request: Consider and approve the proposed 2005 Audit Plan for the Office of the City Auditor.

Related Policies, References:

- City Charter, Article 2, Section 20, "Internal Auditor"
- City Ordinance, Chapter 2, Article III, Division 6, "City Auditor"

Staff Contact: Cheryl Barcala, City Auditor, 480-312-7867, cbarcala@scottsdaleaz.gov

17. [Authorize Continuing Legal Expenses for Witting v. City of Scottsdale](#)

Request: Adopt Resolution No. 6623, authorizing the Mayor to execute Contract No. 2005-019-COS, for payment of legal fees in the defense of Witting v. City of Scottsdale, CV2003-023872, currently pending in Maricopa County Superior Court, for an additional contract amount of \$40,000.

Related Policies, References: In June 2004, the City Attorney authorized an initial contract for an amount up to \$20,000 with the law firm of Mariscal, Weeks, McIntyre & Friedlander, P.A. to provide specialized and expert legal services relating to litigation.

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Deborah W. Robberson, Deputy City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

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City Manager's Report

Mayor and Council Items

1. [Ordinance Revision Regarding Banning or Further Restricting the use of Motorized Skateboards and Similar Vehicles](#)

Request: Per Councilmember Drake, consider initiating an ordinance revision regarding banning or further restricting the use of motorized skateboards and similar vehicles.

Related Policies, References: City of Scottsdale Revised Code, Article IV, Section 17-90 to 17-97.

Adjournment